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UNITED STATES BANKRUPTCY COURT DISTRICT OF NEVADA

10 In re:

11 USA COMMERCIAL MORTGAGE
12 COMPANY,

13 USA CAPITAL REALTY ADVISORS,
14 LLC,

15 USA CAPITAL DIVERSIFIED TRUST
16 DEED FUND, LLC,

17 USA CAPITAL FIRST TRUST DEED
18 FUND, LLC,

19 USA SECURITIES, LLC, Debtors.

20 **Affects:**

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

STIPULATION RE PROOF OF CLAIM OF JACK HOGGARD LISTED IN THIRTEENTH OMNIBUS OBJECTION TO PROOFS OF CLAIM FILED AS SECURED

21
22 The USACM Liquidating Trust (the "USACM Trust"), by and through its
23 undersigned counsel, and Jack Hoggard ("Hoggard"), stipulate:

24 1. Hoggard filed proof of claim No. 10725-00244 in the amount of \$15,000.00
25 as a secured claim.

2. On March 23, 2007, the USACM Trust filed its Thirteenth Omnibus Objection to Proofs of Claim filed as Secured [DE 3157] objecting to the secured status of Claim No. 10725-00244 filed by Hoggard, arguing that the proof of claim is not entitled to secured status and requested that the claim be reclassified as a general unsecured claim.

3. On April 13, 2007, Hoggard filed a response [DE 3431] to the Objection of the USACM Trust.

4. The hearing on the Objection and Response occurred on April 26, 2007 at 9:30 a.m.

5. Upon being provided additional information, Hoggard has conceded that the claim is not properly classified as a secured claim, and therefore stipulates to the granting of the Objection as to the claim and reclassifying the claim as an unsecured claim, without prejudice to additional objections at a later date.

6. The USACM Trust reserves the right to further object to the claim, for allowance and or distribution purposes on other grounds.

7. A proposed form of order approving the stipulation and sustaining the objection is being submitted for the Court's consideration.

DATED: 1/21/07, 2007.

LEWIS AND ROCA LLP

By: /s/ RC (#6593)

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